

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

CESAR ALDANA,

Plaintiff,

vs.

U.S. FINANCIAL MORTGAGE CORP. et al.,

Defendants.

3:10-cv-00715-RCJ-RAM

**ORDER**

This is a standard foreclosure case involving one property. The Complaint is a forty-four-page MERS-conspiracy type complaint listing eleven causes of action. The case is not part of Case No. 2:09-md-02119-JAT in the District of Arizona but appears eligible for transfer. The Court previously denied a motion to remand and granted a motion to dismiss and a motion for summary judgment in part, granting the latter two motions as to all claims except that for injunctive relief based on statutorily defective foreclosure under section 107.080(2)(c). On March 30, 2011, the Court ordered:

IT IS FURTHER ORDERED that Defendants will not transfer the Property or take any action to evict Plaintiff or his tenants, if any, from the Property for one-hundred (100) days. During this period, Plaintiff will make full, regular monthly payments under the note every thirty (30) days, with the first payment due April 1, 2011. The amount of each payment will be according to the monthly payment as of the date of the NOD. Plaintiff need not pay late fees or cure the entire amount of past default at this time but may be required in equity to cure the entire past default as a condition of any future permanent injunction.

(Order 4:11-17, Mar. 20, 2011, ECF No. 29). Bank of America, N.A. and Mortgage Electronic Registration Systems, Inc. have moved to lift the injunction or compel payment, and also to

1 dismiss, because Plaintiff has failed to comply. Quality Loan Service Corp. has joined the  
2 motion to dismiss. Plaintiff has not timely responded.

3 **CONCLUSION**

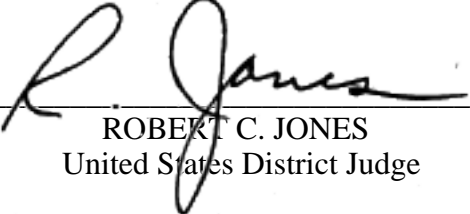
4 IT IS HEREBY ORDERED that the Motion to Lift Injunction or Compel Payment (ECF  
5 No. 32) is GRANTED in part, and the injunction is LIFTED.

6 IT IS FURTHER ORDERED that the Motion to Dismiss (ECF No. 33) is GRANTED  
7 and any lis pendens on the Property is EXPUNGED.

8 IT IS FURTHER ORDERED that the Clerk shall close the case and enter judgment  
9 accordingly.

10 IT IS SO ORDERED.

11 Dated this 1st day of June, 2011.

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14 ROBERT C. JONES  
United States District Judge